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REMARKS

For the sake of clarity and in order to better focus the discussion on the differences between the applicant's claimed invention and the art of record, claims 1-19 have been cancelled and new claims 20-28 are now presented. The examiner will appreciate that most of the limitations in these new claims are identical to the previously presented claims, except for the differences discussed below, and the applicant does not intend, by this amendment, to change the scope or import of any of the limitations presented in the previous amendments for this case.

As the undersigned attorney is newly assigned to this case, it is respectfully submitted that a brief overview of the history may assist in honing the focus of this discussion in a manner that will better emphasize the patentable aspects of the newly presented claims. A key point of contention in this case appears to involve the meaning of the term "crimped" and, more particularly, whether the applicant's specification discloses the same construction contemplated by Reidl.

In particular, the examiner contends that Reidl teaches the same cover as described in the applicant's specification; however, Reidl devotes a considerable amount of discussion to the significance of removing all electrolyte residue from the cell's galvanic element (i.e., cell cover 2 in Reidl Figs. 1-4) prior to sealing (see col. 3, lines 11-17). Reidl continues this distinction between the galvanic cell/galvanic element and the contact cap throughout his entire specification, excepting Figure 5 which will be discussed separately below (e.g., col. 4, lines 24-27: the contact cap 4 extends above the bottom surface of the galvanic element; col. 3, lines 20-22: the contact cap 4 is connected with the galvanic cell terminal by spot welding, etc.). Additionally, one of ordinary skill in the art would understand this galvanic element must necessarily come into contact with one of the electrodes and the electrolyte solution, whereas Reidl distinguishes contact cap 4 (again, as seen in Reidl Figs. 1-4), from that element. Accordingly, it should be clear that Reidl actually requires two separate structures to form the single cover contemplated in the applicant's specification.

Moreover, as seen at col. 3, lines 7-8, Reidl requires that a full galvanic cell be assembled "in [the] conventional manner". In so indicating, Reidl actually exemplifies the prior art requirements for crimping as discussed in applicants' background of invention. Specifically, one

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of ordinary skill in the art would perceive the “conventional” galvanic cell to require crimping of the housing 1 (i.e., pinching in of the housing after the galvanic elements are assembled), and such a crimped closure process occurs only after the other elements are already in place. Further, Reidl’s description at col. 5, lines 60-62 of an alternative embodiment in which the cell terminal is integrated with the contact cup but that this integral cup must still be crimped is a clear indication that Reidl requires crimping as an integral part of the closure process (i.e., crimping is implicit to the “conventional” closures in Figs. 1-4 and explicitly required in the alternative in Fig. 5).

As discussed in applicant’s specification and as understood by those in the art, the examiner is reminded that crimping creates the radial mechanical forces necessary to retain the elements within the cell in a manner which negative impacts the structural integrity of the crimped element(s). Thus, crimping generates different stresses as compared to a part which is pre-formed (i.e., bent or stepped) prior to construction of the cell, and such pre-formed parts may be reinforced or treated prior to inclusion in a cell. To further illustrate, both the present application and Reidl require use of cup shaped can, but at no point does either teach, suggest or imply that the step in the can is “crimped” in the sense in which it is normally used by those skilled in the art and/or intended as used in the applicant’s specification (i.e., as a closure means). Thus, applicant respectfully traverses the examiner’s rejection to the extent it is based on the faulty contention that any shaped metal part is, by definition, crimped.

Turning to the teachings of Figure 5, applicant concedes that Reidl in this embodiment contemplates a structure where the contact cap is integrally formed as part of the galvanic cell itself. However, in this case, there is also little doubt that Reidl requires this arrangement be crimped in order to effectively seal the cell (see col. 5, lines 53-62). To the extent that applicant’s claims set forth a non-crimped structure, one of ordinary skill in the art will readily appreciate the differences between Reidl’s teachings and applicant’s invention.

Irrespective of the characterization of Reidl’s “cover,” the applicant’s new claims now further clarify that the peripheral wall of the cover itself must only extend radially outside of the side walls of the can—effectively creating an exclusively concentric arrangement whereby the peripheral wall is not disposed radially inside of the can’s sidewall. Clearly, such an

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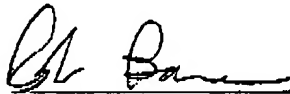
arrangement is not shown, taught or suggested by Reidl. Accordingly, this structural limitation should further clarify the significant differences between the crimped cell terminal inherent to Reidl and the non-crimped container of the current application.

Lastly, given Reidl's limited focus on button cells (see, for example, col. 4, lines 24-27 or col. 6, lines 53-57) and its express admonishments regarding hydroxide-free closure mechanisms, it is doubtful one of ordinary skill in the art would find a motivation to modify the design of Reidl to arrive at the applicant's current claims.

In view of the foregoing, the applicant's claims are neither taught nor suggested by the art of record. Entry of this paper, and allowance of the claims herein, is therefore respectfully requested.

Respectfully submitted,

Date: June 15, 2006



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